

REMARKS

Claims 1 to 13 are pending in the application.

Claims 6, 7, and 12 are original.

Claims 1, 8 to 10, and 13 are cancelled.

Claims 2 to 5, and 11 are currently amended.

Claim 14 is new.

Claims 2 to 7, 11, 12, and 14 would be all of the claims remaining in the application if the amendments are entered.

Discussion of Amendments

Claims 8, 10, and 13 are cancelled for being drawn to a non-elected invention. Claim 2 is amended to delete subject matter of a non-elected invention and to recite the definitions of the substituent groups that were previously incorporated by reference from Claim 1, as Claim 1 is cancelled. Claims 3 to 5 and 11 are also amended because Claim 1 is cancelled. New Claim 14 finds support from the specification, including page 55, at lines 1 and 2.

Applicants reserve their right to reintroduce claims embracing deleted or cancelled subject matter in this application or any continuations, divisionals, or continuations-in-part thereof.

Election/Restrictions

Applicants hereby affirm their telephonic election of the invention of Group II, Claims 1-7 and 9-13, drawn to compounds of formula (I) wherein ring B is 1,3-diazin-3-one, corresponding to the composition and method of use, classified in class 544, subclass 10. Applicants hereby withdraw their traverse.

Claim Objections

Claims 10 and 13 are objected to under 37 C.F.R. § 1.75(c) as allegedly being in improper form because a multiple dependent claim should refer to the other claims in the

alternative only. Claims 10 and 13 are cancelled, rendering the objections to Claims 10 and 13 moot.

Claim Rejections - 35 U.S.C. § 112

Claim 9 is rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a pharmaceutical composition for the treatment of arthritis, allegedly does not reasonably provide enablement for a composition useful for all the diseases recited in the instant claim.

Claim 9 is cancelled, rendering the rejection of Claim 9 moot.

Claims 1 to 7, 9, 11, and 12 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, a definition is provided for “m,” however the variable “m” could not be located anywhere in the claim. The remaining claims are included because they are dependent claims and allegedly do not further resolve the above issue.

Claim 9 is cancelled, rendering the rejection of Claim 9 and dependent Claims 2 to 7, 11, and 12 moot.

Claim Rejections - 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by 1. Nagamatsu et al., 2. Hayakawa et al., 3. Zvezdina et al., 4. Ivanov et al., 5. Kost et al., or 6. Kranz et al.

Claim 1 is cancelled, rendering the rejections of Claim 1 under 35 U.S.C. § 102(b) moot.

Allowable Subject Matter

Applicants note that Claims 2 to 7, 11, and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Supplemental Information Disclosure Statement

Applicants further make available to the Patent and Trademark Office a Supplemental Information Disclosure Statement on form PTO/SB/08A and/or PTO/SB/08B and copies of the art cited thereon.

Applicants respectfully request that the Examiner consider carefully the complete text of the cited reference(s) in connection with the examination of the above-identified application in accord with 37 CFR §1.104(a).

It is respectfully requested that all cited reference(s) considered by the Examiner be listed in the "References Cited" portion of any patent issuing from the instant application (MPEP § 1302.12).

Conclusion

In view of the above amendment and remarks, Applicants believe that the objection to Claim 10 and 13, the rejection of Claim 9 under 35 U.S.C. § 112, first paragraph, the rejection of Claims 1 to 7, 9, 11, and 12 under 35 U.S.C. § 112, second paragraph, and the rejection of Claim 1 under 35 U.S.C. § 102, are overcome. Applicants request removal of the objections and rejections and reconsideration and allowance of Claims 2 to 7, 11, and 12, and consideration and allowance of new Claim 14.

The undersigned would welcome a telephone call from the Office to discuss matters that might be resolvable by such communication.

Respectfully submitted,

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